

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,	)	
	)	Criminal Action No. 12-125
	)	
v.	)	Judge Cathy Bissoon
	)	
KENNETH TOWNSEND,	)	
	)	
Defendant.	)	

**ORDER**

To the extent that Defendant’s Motion (Doc. 383) for reduction of sentence—based on COVID-19 related health concerns—is not moot, it is denied.<sup>1</sup>

The Court agrees with the government that Defendant’s history of mental illness is insufficient to present an extraordinary and compelling reason warranting release. *See* Resp. (Doc. 385) at 3 (“The most recent [medical] records indicate that the defendant presented with a mental status within normal limits.”). Even assuming Defendant’s impairments present a significant risk, the Court is required to balance them against the considerations resulting in his original sentence, pursuant to 18 U.S.C. § 3553.

Defendant currently is serving a 200-month sentence for possessing with the intent to distribute less than 500 grams of cocaine, and for possessing with the intent to distribute more than 28 grams of cocaine base. In imposing sentence, the Court considered the serious nature of his offenses, and the needs for just punishment, deterrence and rehabilitation. Those

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<sup>1</sup> BOP’s Inmate Locator reflects that Defendant currently is incarcerated at FCI Petersburg. Because Defendant no longer is housed in FCI McDowell, any arguments related to COVID-19 outbreaks in that facility are moot. Additionally, although the Court will mail a copy of this Order to FCI Petersburg, it remains Defendant’s responsibility to update his record address.

considerations remain salient, and they are not outweighed by the risks associated with Defendant remaining incarcerated.

Therefore, consistent with the above, Defendant's Motion (**Doc. 383**) for reduction of sentence is **DENIED**.

IT IS SO ORDERED.

May 17, 2023

s/Cathy Bissoon  
Cathy Bissoon  
United States District Judge

cc (via ECF email notification):  
All Counsel of Record

via First-Class U.S. Mail:  
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